

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KENDRICK C. GATLIN,

Plaintiff,

v.

SANDRA MCARDLE and
JANE DOE,

Defendants.

ORDER

19-cv-876-wmc

Pro se plaintiff Kendrick C. Gatlin, who is currently incarcerated at the Wisconsin Secure Program Facility (“WSPF”), filed this lawsuit pursuant to 42 U.S.C. § 1983. He claims that defendants violated his Eighth Amendment rights in handling his medical care following surgery. The complaint was filed on October 24, 2019, and is currently under advisement for screening pursuant to 28 U.S.C. § 1915A. However, Gatlin now seeks to withdraw the complaint voluntarily and requests a refund of the portion of the filing fee he paid already. (Dkt. #7.) Gatlin’s motion will be granted because he has provided sufficient justification for withdrawing his complaint and having his filing fee refunded. Further, since this case has not yet been screened, dismissing it will not prejudice the defendants.

ORDER

IT IS ORDERED that plaintiff Kendrick Gatlin’s motion to voluntarily dismiss his case and for a refund of the filing fee (dkt. #7) is GRANTED. This case is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

Entered this 7th day of July, 2020.

BY THE COURT:

/s/

WILLIAM M. CONLEY

District Judge